

Notice of Allowability

Application No.

10/821,444

Examiner

Steven J. Ganey

Applicant(s)

LITHERLAND ET AL.

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed July 1, 2005.
2. ☒ The allowed claim(s) is/are 1,2,4,7-11,14,15,17,20-24,27 and 28.
3. ☒ The drawings filed on 09 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/17/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Darin J. Gibby on July 22, 2005.

2. The application has been amended as follows:

In the claims:

Claim 1, line 9, the phrase "support element" has been changed to --aerosol generator--.

The above change was done to clearly define the invention and provide proper antecedent basis.

Claim 2, line 2, the phrase "aerosol generator further comprises" has been changed to --plurality of arms extend from--.

The above change was done to clearly define the invention and provide proper antecedent basis.

Claims 12 and 13 have been canceled.

The above change was done since these claims were directed to a species different from the species recited in claim 1.

Claim 14, line 6, the phrase "support element" has been changed to --aerosol generator--.

Art Unit: 3752

The above change was done to clearly define the invention and provide proper antecedent basis.

Claim 14, line 10, the phrase "support element" has been changed to --aerosol generator--.

The above change was done to clearly define the invention and provide proper antecedent basis.

Claim 15, lines 1 and 2, the phrase "aerosol generator further comprises" has been changed to --plurality of arms extend from--.

The above change was done to clearly define the invention and provide proper antecedent basis.

Claims 25 and 26 have been canceled.

The above change was done since these claims were directed to a species different from the species recited in claim 14.

3. The following is an examiner's statement of reasons for allowance of claims 1, 2, 4 and 7-11: The prior art did not teach or suggest an aerosol generator system as claimed by the applicant, specifically a system comprising an aerosol generator and an isolating structure operably coupled to the aerosol generator and comprising a plurality of arms extending from the aerosol generator and that is configured to couple the aerosol generator to a support structure and to substantially vibrationally isolate the aerosol generator from the support structure, together in combination with the other claimed features of applicant's invention.

4. The following is an examiner's statement of reasons for allowance of claims 14, 15, 17 and 20-24: The prior art did not teach or suggest an aerosolization device as claimed by the

Art Unit: 3752

applicant, specifically a device comprising an aerosol generator disposed within a housing and an isolating structure operably coupled to the aerosol generator and operably connected to the housing, the isolating structure comprising a plurality of arms extending from the aerosol generator and that is sufficient to substantially vibrationally isolate the aerosol generator from the housing, together in combination with the other claimed features of applicant's invention.

5: The following is an examiner's statement of reasons for allowance of claims 27 and 28: The prior art did not teach or suggest a method for aerosolizing a liquid as claimed by the applicant, specifically a method comprising the steps of providing an aerosol generator, substantially vibrationally isolating the aerosol generator with an isolating structure that is operably coupled to a support structure and the isolating structure comprising a plurality of arms extending from the aerosol generator to vibrationally isolate the aerosol generator from the support structure, together in combination with the other claimed features of applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

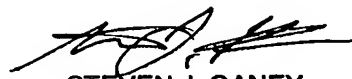
Art Unit: 3752

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is (571) 272-4899. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (571) 272-4919. The fax phone number for this Group is (571) 273-8300.

sjg

7/22/05


STEVEN J. GANEY
PRIMARY EXAMINER
7/22/05